

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMOS TATE, )  
Plaintiff, )  
 )  
vs. ) Civil Action No. 05-175 ERIE  
 )  
MAYOR OF THE CITY OF ERIE, et. al., )  
Defendants. )  
 )

**ORDER**

AND NOW this 4<sup>th</sup> day of April, 2006, the Plaintiff having failed to effectuate service on the Defendant, Magistrate Sue Mack, within the time specified in Fed.R.Civ.P.4(m),

IT IS HEREBY ORDERED that the Plaintiff's claim against Magistrate Sue Mack is hereby DISMISSED for failure to prosecute.

S/Sean J. McLaughlin  
Sean J. McLaughlin  
United States District Judge

cc: counsel/parties of record NK